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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/110,667	07/07/1998	PETER C. BOYLAN III	UV-76	4967
7590	02/27/2006		EXAMINER	
G VICTOR TREYZ FISH & NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 100201104			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/110,667	BOYLAN III ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Son P. Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 November 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 133-176 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 133-176 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 November 1998 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 133-176 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-132 have been canceled.

### ***Claim Objections***

2. Claims 136, 167-176 are objected to because of the following informalities:  
In claim 136, line 14, the term "at lease one" should be replaced as – as least one--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 133-176 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931) in view of Yuen et al. (US 6, 239, 794).

Regarding claim 133, Alexander discloses a system in which local and global advertisements are distributed to user equipment on which an interactive program guide is implemented (television receiver with display 10 – figure 1, col. 3, lines 1-20; col. 32, lines 24-60), comprising:

means for distributing global and local advertisements to the user equipment (sources such as head end or Internet provider that provides advertisements for displaying in Ad windows and local advertisement (e.g., customized message) – col. 8, lines 19-64), wherein the local advertisements are designated for display in a particular geographic region (e.g., customized messages are designated for display in subscriber geographic region such as zip code – col. 32, lines 24-60);

means for displaying an interactive program guide display screen (display 10 for displaying interactive program guide screen – figure 1, col. 3, lines 1-20);

means for using the interactive program guide to display at least one global advertisement on the program guide display screen (Ad windows for using the interactive program guide to display advertisement on Ad windows of interactive program guide screen 10 – figure 1; col. 19, line 62-col. 20, line 3);

means for receiving a user selection of the global advertisement ( viewer's remote control for receiving viewer selection/highlight of advertisement in Ad windows- col. 20, lines 1-12); and

in response to receiving the user selection of the global advertisement, means for displaying on at least a portion of the program guide display screen, a local advertisement that is designated for display in the particular geographic region of the user equipment (in response to user highlights the Ad windows, the video clip is displayed PIP window, Ad window and also customized message overlaid the video clip, wherein the customized message is designated for display in the geographic region of the individual user/ zip code of television of individual user – col. 20, lines 4-12; col. 32, lines 32, lines 60). However, Alexander does not specifically disclose the displayed local advertisement has content related to the selected global advertisement.

Yuen, in an analogous art, discloses in response to user selection of global advertisement (user selection of Lexus automobiles commercial as real time television program – col. 14, lines 27-42), the local advertisement, designated for display in the particular geographic region of the user equipment, is displayed on at least a portion of the program guide display screen (i.e., the name and address of the local Lexus dealer in the geographic area of the viewer is displayed in area 44 of program guide display screen 40- col. 14, lines 36-41; figure 21) where in the displayed local advertisement has content related to the selected global advertisement (local Lexus dealer in the geographic are of the viewer has content (of Lexus automobiles) related to Lexus automobile commercial- col. 14, lines 36-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander to use the teaching as taught by Yuen in order to improve convenience for user. For

example, the user can easily locate the nearest local Lexus dealer in the geographic area of the user for a test drive offer for Lexus – col. 14, lines 36-41).

Regarding claim 137, Alexander in view of Yuen discloses a system as discussed in the rejection of claim 133. Alexander further discloses the global advertisement is displayed as a panel advertisement (col. 20, line 38-col. 21, line 67).

Regarding claim 138, Alexander in view of Yuen discloses a system as discussed in the rejection of claim 137. Alexander further discloses means for enabling the user to navigate a highlight region to the panel advertisement (e.g. using remote control or keyboard to highlight region to the panel advertisement – col. 20, lines 1-12; col. 21, lines 16-25); means for receiving the user selection of the global advertisement displayed in the panel advertisement (input device for receiving user selection of the advertisement displayed in the panel advertisement – col. 20, lines 1-12; col. 21, lines 16-67).

Regarding claim 139, Alexander in view of Yuen discloses a system as discussed in the rejection of claim 133. Alexander also discloses the EPG Grid Guide's Virtual Channel Ad slots/channel ads provided advertisement to be displayed as a row in the Grid Guides schedule programs (col. 22, line 20-47). Channel ads can be dynamic (col. 24, line 8. Thus, the channel slots/channel ads for display advertisement is interpreted as “global advertisement is displayed as a banner advertisement” as claimed.

Regarding claim 140, Alexander in view of Yuen discloses a system as discussed in the rejection of claim 139. Alexander further discloses means for enabling the user to navigate a highlight region to the banner advertisement (e.g. using remote control or keyboard to highlight region to the channel ad – col. 23, lines 27-62); means for receiving the user selection of the global advertisement displayed in the banner advertisement (input device for receiving user selection of the advertisement displayed in the channel advertisement – col. 23, lines 27-67).

Regarding claim 141, Alexander in view of Yuen discloses a system as claimed in claim 133. Alexander further discloses the customized message is displayed as an overlay message over the video clip (col. 32, lines 39-54) wherein the video clip is shown in panel advertisement (col. 20, lines 4-12). Therefore, the local advertisement (customized message) is displayed as a panel advertisement.

Regarding claim 142, Alexander in view of Yuen discloses the system as discussed in the rejection of claim 133. Alexander further discloses the local advertisement is a customized message and displayed customized message on the screen. It is obvious to one of ordinary skill in the art to display the customized message as a banner in order to achieve desired of screen developer (e.g., to minimize interference).

Regarding claim 143, Alexander in view of Yuen discloses the system as discussed in the rejection of claim 133. Alexander further discloses the advertisement in Ad window (i.e. video clip/preview) promote upcoming television program (information/clip about a future-scheduled television program –col. 20, lines 14-37). Alexander further discloses the viewer can instruct the EPG to connect the user with detailed specialized information guides/data service, such as sports, news, or other guides/services (col. 20, lines 25-37). Alexander further discloses the EPG provides for automatic channel map selection. All channel maps in the viewer's zip code are downloaded. Zip code related options are displayed and the data is customized based on Viewer profile, which includes viewer's zip code (col. 32, lines 7-60). It is obvious to one of ordinary skill in the art that to use the local advertisement promote upcoming local television in order to attract viewer to watch the local television program.

Regarding claim 144, Alexander in view of Yuen discloses a system as discussed in claim 133. Alexander further discloses the global and local advertisement promote non-programming products and services (e.g. information in the ad window about a particular product and the customized message about local Burger's King restaurant – col. 19, line 62-col. 20, line 3; col. 30, lines 17-37; col. 32, lines 25-60; col. 34, lines 36-55).

Regarding claim 145, Alexander in view of Yuen discloses the system as discussed in the rejection of claim 133. Alexander further discloses:

means for displaying program listings in a program listing region on the program guide display screen (screen 10 for displaying program listings in Grid Guide 22 on the screen – see including, but is not limited to, figure 1);

means for displaying the global advertisement in an advertisement region (i.e. Ad windows) on the program guide display screen (see including, but is not limited to, figure 1), wherein the program listings region and advertisement region are displayed simultaneously (Grid region and Ad window are displayed simultaneously – see including, but is not limited to, figure 1).

Regarding claim 146, Alexander in view of Yuen discloses the system as discussed in the rejection of claim 133. Alexander further discloses displaying program listings information on the program guide display screen, the program listings information including information other than the global and local advertisements (e.g., program guide data, television program in PIP, etc. – figure 1).

Regarding claims 134, 147-156, the limitations of the method as claimed correspond to the limitations of the system as claimed in claims 133, 137-146, and are analyzed as discussed with respect to the rejections of claims 133, 137-146.

Regarding claims 135, 157-166, the limitations as claimed correspond to the limitations as claimed in claims 133, 137-146 and are analyzed as discussed with respect to the rejection of claims 133, 137-146.

Regarding claims 136,167-176 the limitations of the claims are respectively directed toward embody the method of claims 133, 137-146 in a “machine readable medium.” Alexander further discloses instructions to perform functions of the viewer equipment are controlled by a processor (col. 5, lines 20-52). Inherently, Alexander in view of Yuen discloses a “machine readable medium” for use in a system so that a processor could automatically perform the instructions.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Esch et al. (US 5,099,319) discloses standard Ford car advertisement can be customized by the computer with a local sound track and map to the closest Ford dealer (col. 10, lines 16-32).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
February 17, 2006

  
HAI TRAN  
PRIMARY EXAMINER